

April 14, 2003

Via Electronic Submission

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Communication CC Docket No. 01-92

Dear Ms. Dortch:

AT&T Wireless Services, Inc. ("AWS") submits this *ex parte* letter in response to recent filings by certain independent local exchange carriers (ILECs) from the State of Oklahoma.¹

In their filings, the Oklahoma ILECs attempt to raise various issues regarding the compensation obligations of ILECs and wireless carriers when exchanging traffic. The ILECs failed to disclose, however, that the Oklahoma Corporation Commission ("OCC") has already addressed the issues raised in their letters, rejected the arguments they now raise with the FCC, and adopted bill and keep as the appropriate intercarrier compensation mechanism for the termination of local calls between the ILECs and wireless carriers.

Specifically, the ILECs allege that all traffic exchanged on an indirect basis with wireless carriers is subject to access charges and that they should have no reciprocal compensation obligations when wireless carriers interconnect with an ILEC through a Regional Bell Operating Company, in this case, Southwestern Bell. The letter from Central Oklahoma Telephone Company puts the matter most bluntly: "It is a long distance toll call for our customers to call any wireless carrier."

The Independent Telcos fail to inform the Commission that they recently participated in an arbitration before the OCC, along with 28 other Independent Telephone Companies, with the AT&T Wireless, Sprint PCS, Cingular, and Western Wireless.

In that Oklahoma arbitration proceeding, the OCC categorically rejected the same arguments that the Independent Telcos make in their *ex parte* filing before the Commission. Specifically, the OCC found: (1) all calls involving wireline and wireless carriers that, at the beginning of the call, originate and terminate in the same MTA are to be treated as local for reciprocal compensation purposes; (2) wireline carriers incur

¹ See Letter to Chairman Michael Powell dated November 11, 2002 from Hinton Telephone Company, Cherokee Telephone Company, Oklahoma Western Telephone Company and Central Oklahoma Telephone Company filed on December 6, 2002 in the captioned docket.

reciprocal compensation obligations to wireless carriers in the case of indirect interconnection; (3) because the independent telephone companies had not rebutted the presumption of roughly balanced traffic, bill and keep principles should be applied to all local calls, as defined above; and (4) under no circumstances can independent telephone companies charge switched access rates to CMRS providers for terminating intraMTA wireless traffic.

The decision of the OCC was consistent with the Telecommunications Act of 1996 and the implementing regulations of this Commission. Further, the decision of the OCC properly concludes that ultimately, bill and keep principles are the best method of intercarrier compensation for the termination of local calls between the ILECs and wireless carriers, given the lack of evidence by the independent telephone companies to rebut a presumption of roughly balanced traffic. For these reasons, AWS urges the Commission similarly to reject the arguments of the Oklahoma ILECs in this proceeding and to adopt a bill and keep mechanism for termination of local traffic.

For your information, a copy of the OCC's decision is attached as Exhibit A.

Sincerely,

/S/

Douglas I. Brandon
Vice President – Legal and External Affairs
AT&T Wireless Services, Inc.